IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
W.P.No. 4554/2006

Shridhar Jangluji Kumbhalkar vs. Education Officer, Z.P. Education Department, Bhandara and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 9.10.2007

Heard Mrs. Shinde, learned counsel for the petitioner and Mr. Bangde, learned counsel for respondent no.2.

The petition has been filed by the present petitioner seeking following reliefs.

i) The respondents to disburse the retirement benefits immediately;

ii) Respondents to pay pension amount immediately;

iii) Respondent to pay the gratuity amount also immediately.

The petitioner retired as a clerk on 30.6.2001. The petition is filed on 19.7.2006. It is not disputed before us that during the pendency of the petition, from time to time

the petitioner is granted entire pensionary benefits including gratuity. In view of this, the petitioner's grievance regarding the pensionary benefits is redressed.

The learned counsel for the petitioner, however, submits that the petitioner was retired on 30th June, 2001 and pensionary benefits from time to time granted from 22nd February 2007 to 13th July, 2007. There is a delay of more than five years and, therefore, he is entitled for interest on the delayed payment. The learned counsel for the respondent no.2 invited our attention to the advertisement published on 23.3.2001 in weekly Satya Darshan as well as the letters dated 23.7.2001 and 14.9.2001 issued by the Respondent no.2 Chief Officer. Perusal of these letters shows that the respondent no.2 was repeatedly asking the petitioner to comply with the documents. It is the case of the respondent no.2 that the petitioner did not comply with the documents and, therefore, there was delay.

Mrs. Shinde, the learned counsel for the petitioner disputed this position and submits that the petitioner was cooperating with the respondent no.2. However, there is no documentary evidence before us to show that documents asked for by respondent no.2 are complied with by the petitioner. In this view of the matter it is difficult to come to the conclusion as to who is responsible for delayed payment

of pensionary benefits. In view of this, we are of the considered opinion that the petitioner is not entitled for the interest on the alleged delayed payment of pension. In the facts and circumstances, the petition is disposed of with no order as to costs.

Judge **Judge**

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